

DATE: May 1, 2000

TO: Senator John Hottinger and Representative Marty Seifert, Co-Chairs
Conference Committee on Senate File 3234

FROM: Dave Orren, Rule Writer

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SUBJECT: Reporting Requirements of Senate File 3234

This memo is to summarize and clarify my testimony from the first Conference Committee hearing on April 26, 2000, regarding the reporting requirements in the bill. I am referring to the "MS188" version of the bill.

Section 5 of the bill requires reports from each cabinet-level agency regarding the agency's rules. Among other things, the report must "list and briefly describe the rationale for rules that the entity believes should remain in effect." Representative Seifert assured me that he does not intend this to require another Statement of Need and Reasonableness (SONAR); that "briefly" means "briefly."

I said that I would approach complying with this for the Department of Health by reporting separately on each chapter of our rules. For most rule chapters that should remain in effect, the report would be a paragraph or two on the continuing viability of the rules chapter. Sometimes this would list some parts that need updating and when we anticipate doing this. The report might be more in depth for one or two chapters, but this would happen only if the program or issues related to the rule chapters has taken a recent controversial or problematic turn.

A SONAR contains an explanation and in-depth analysis of each rule provision. The reason it is very important to clarify this issue is that if agencies had to produce another SONAR or even a mini-SONAR for each rule chapter, the fiscal impact would be very large.

After the Rules Task Force makes its recommendations in January 2001, we will have more direction as to how to prepare the reports. I anticipate that the task force will recommend a way to focus any in-depth review on one or two chapters of rules and that if this requires more preparation time for either the agency or the legislative committee, then the reporting schedule will be adjusted accordingly.

The Conference Committee members seemed to agree that this would be a satisfactory way to comply with the reporting requirements of the bill. This memo is to ensure that my understanding of the reporting requirements of the bill coincides with that of the Conference Committee members.